



4. On April 9, 2020, Defendant moved this Court for Compassionate Release (ECF 55).

5. On April 10, 2020, this Court denied Defendant's motion without prejudice because the exhaustion provision of 18 U.S.C. §3582 (c)(1)(A) had not been satisfied (ECF 57).

6. On April 27, 2020, undersigned counsel received a written denial of Defendant's Request for Compassionate Release from the Warden of MDC.

7. On May 5, 2020 Defendant renewed his Motion for Compassionate Release (ECF 58):

8. On June 4, 2020, this Court denied Defendant's Renewed Motion (ECF 64).

9. Defendant now files a Second Renewed Motion for Compassionate Release and incorporates his prior filings in ECF 55 and ECF 58 herein. This motion is filed in light of a recent order in *U.S. v. Gerald Price*, D.R.I., Crim 18-110-JJM-PAS (November 10, 2020)(copy attached).

10. Defendant Price was also held at MDC Brooklyn and he exhibited many characteristics similar to Defendant Lugo:

	<u>Price</u>	<u>Lugo</u>
Sentence Date, Length	2-24-20 60 months	12-19-19 41 months
Release Date	11-18-22	1-16-22
Weight	243 lbs	210 lbs (PSR 46)
Height	6' 1"	5' 10" (PSR 46)
Body Mass Index	32.1 (obese)	30.1 (obese)
Congregate setting	yes	yes
COVID climbing	yes	yes
Age	35	42
Criminal history of violence	no	yes
Disciplinary Actions at BOP	none	none
Qaulified for RDAP	yes	yes
Time served (Includes detention time)	33 months (55 %)	21 months (51%)

11. For the foregoing reasons, Defendant Lugo respectfully files his Second Renewed Motion to modify is sentence under 18 U.S.C. § 3582 (c)(1)(A)(i) and moves this court to release him to home confinement.

Dated at Portland, Maine this 30<sup>th</sup> day of November, 2020.

/s/ Neale A. Duffett, Esq. – Bar #2328

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## CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2020 I caused the forgoing to be filed with the Court using the ECF system which will send a copy to:

- **DONALD E. CLARK**  
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